
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

ADRIAN CROSS,

Plaintiff,

v.

**UNITED STATES MARSHAL
SERVICE, LLOYD VELLEK, DAVID L.
HARLOW, DAVID ANDERSON, and
UNITED STATES OF AMERICA,**

Defendants.

**ORDER ADOPTING & AFFIRMING
REPORT & RECOMMENDATION**

Case No. 6:18-cv-00327-DAK-DBP

Judge Dale A. Kimball

This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Dustin B. Pead under 28 U.S.C. § 636(b)(1)(B).¹ On September 8, 2020, Magistrate Judge Pead issued a Report and Recommendation [ECF No. 86], recommending that Plaintiff's Amended Complaint be dismissed with prejudice for failure to state a plausible claim for relief under either the Federal Tort Claims Act or *Bivens*. The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation must be filed within fourteen days of receiving it. Plaintiff has not submitted an objection as of the date of this Order, which the court assumes is past the deadline for submitting an objection.

A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the

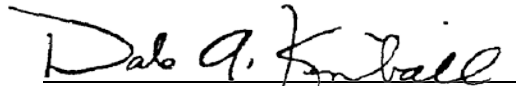
¹ This case is before this court pursuant to an out of district referral from United States District Judge Ronald A. White of the Eastern District of Oklahoma with the concurrence of the United States District Court Chief Judge Robert J. Shelby.

Report and Recommendation and the record *de novo* and agrees with Magistrate Judge Pead's recommendations. Furthermore, given that Plaintiff failed to submit any objections to the Report and Recommendation, the court finds no reason to set it aside.

Therefore, the court adopts and affirms Magistrate Judge Pead's Report and Recommendation in its entirety. Accordingly, Plaintiff's Amended Complaint is dismissed with prejudice for failure to state a claim.

DATED this 29th day of September, 2020.

BY THE COURT:


DALE A. KIMBALL
United States District Judge